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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN JOSE DIVISION**

12 EBAY INC.,

13 Plaintiff,
14 v.

15 DIGITAL POINT SOLUTIONS, INC.,
16 SHAWN HOGAN, KESSLER'S
17 FLYING CIRCUS, THUNDERWOOD
18 HOLDINGS, INC., TODD DUNNING,
DUNNING ENTERPRISE, INC., BRIAN
DUNNING, BRIANDUNNING.COM,
and DOES 1-20,

19 Defendants.

20 Case No. C 08-04052 JF PVT

21 **[PROPOSED] ORDER GRANTING
EBAY INC.'S MOTION TO
COMPEL RESPONSES TO
REQUESTS FOR PRODUCTION,
INTERROGATORIES AND
REQUESTS FOR ADMISSION**

22 Hearing Date: October 27, 2009
23 Time: 10:00 a.m.
24 Judge: Hon. Patricia V. Trumbull

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[PROPOSED] ORDER RE
EBAY'S MOTION TO COMPEL
CASE NO. C 08-4052 JF PVT

1 eBay's Motion to Compel Responses to Requests for Production, Interrogatories
2 and Requests for Admission was heard by the Court on October 27, 2009. Upon
3 consideration of the papers submitted and the arguments of counsel, and for good cause
4 shown, the Court hereby GRANTS Plaintiff's Motion and ORDERS:

- 5 1. that Defendant Kessler's Flying Circus's objections to eBay's
6 Interrogatories on the grounds of the Fifth Amendment are stricken and
7 Kessler's Flying Circus shall provide supplemental responses to those
8 interrogatories within 15 days of this Order;
- 9 2. that Defendants Thunderwood Holdings, Inc.'s and BrianDunning.com's
10 objections to eBay's Interrogatories and Requests for Admission on the
11 grounds of the Fifth Amendment are stricken and those Defendants shall
12 provide supplemental responses to those interrogatories and requests for
13 admission within 15 days of this Order;
- 14 3. that, notwithstanding their continuing invocations of their Fifth Amendment
15 rights, within 15 days of this Order Defendants Brian Dunning and Todd
16 Dunning produce all documents responsive to eBay's First and Second Sets
17 of Requests for Production that were previously obtained by the FBI; and
- 18 4. that Defendants Brian Dunning, Todd Dunning, Kessler's Flying Circus,
19 Thunderwood Holdings, Inc., BrianDunning.com and Dunning Enterprise,
20 Inc. exercise any and all rights that they may have to obtain documents from
21 Rackspace US, Inc. that may be responsive to eBay's First and Second Sets
22 of Requests for Production and, as otherwise compelled by this Order or as
23 previously set forth in discovery responses or agreed by the parties, produce
24 documents responsive to those requests for production within 15 days of this
25 Order.

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1 IT IS SO ORDERED.
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DATED: _____

The Honorable Patricia V. Trumbull
United States Magistrate Judge